

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 KENNETH DUANE MANNING,)
11 Plaintiff,) 2:12-cv-0174-JCM-CWH
12 vs.)
13 STATE OF NEVADA,) **ORDER**
14 Defendant.)
/

16 This is a civil rights action submitted by the plaintiff, Kenneth Duane Manning along
17 with an application to proceed in forma pauperis. However, under 28 U.S.C. § 1915(g), Manning
18 has been banned from filing actions *in forma pauperis* unless he can show he is in imminent danger
19 of serious physical injury. *See Manning v. Baca*, 3:06-cv-00422-LRH-VPC. Manning's complaint is
20 against the State of Nevada alleging that he is being denied the "right to marry the same sex and to
21 engage [sic] in sexual relations in private" in violation of his First and Fourteenth Amendment
22 rights. The allegations include no indication that he is in imminent danger of serious physical harm
23 and raise no issues about his physical well-being. Thus, the application to proceed in forma pauperis
24 shall be denied and plaintiff will be required to pay the full \$350 filing fee or the complaint and this
25 action shall be dismissed without prejudice.

26 IT IS THEREFORE ORDERED that plaintiff's application to proceed *in forma*

1 *pauperis* (ECF No. 1) is **DENIED**.

2 **IT IS FURTHER ORDERED** that plaintiff shall have until, and including,
3 **April 30, 2012**, to either (1) pay the \$350 filing fee for this action, or (2) submit an amended
4 complaint showing that he is in imminent danger of serious physical injury. If plaintiff fails to do
5 one or the other in the time allowed, this action will be dismissed and judgment entered against
6 plaintiff.

7 **IT IS FURTHER ORDERED** that if plaintiff, while incarcerated, seeks to proceed
8 *in forma pauperis* in any new case in federal court, he shall attach a copy of this order to his
9 application to proceed *in forma pauperis*, or he shall plainly inform the court in such application that
10 he has been held subject to the restrictions of 28 U.S.C. § 1915(g).

11 **IT IS FURTHER ORDERED** that the clerk of court shall **SEND** a copy of this
12 order to the attorney general of the State of Nevada.

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14 Dated April 11, 2012.

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UNITED STATES DISTRICT JUDGE

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